

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
February 15, 2005

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, February 15, 2005, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, James S. Burgett, and Thomas G. Shepperd, Jr.

Mr. Kenneth L. Bowman was absent.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Bishop Brian Miller, Church of Jesus Christ of Latter Day Saints, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. David Steele, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to report on the County's road system. He provided the Board with an updated watch list that represents each district. He stated that VDOT was trying to improve its drainage performance and had hired contractors for other jobs so it can focus on the County's drainage issues. He explained the tasks involved with Mr. Zarembo's request to re-open the entrance to Wal-Mart on Rochambeau Road. Those tasks include moving utility poles, regrading a berm, and installing underground utilities on private property.

Mr. Zarembo pointed out that the intersection of Lightfoot and Mooretown Roads was very congested and dangerous. He asked when the light would be installed.

Mr. Steele replied that the time frame had not yet been determined, but he would check with the Traffic Engineering Department.

Mr. Shepperd asked about a previous email sent to Mr. Steele about a culvert in the Lakeland Crescent area.

Mr. Steele explained that VDOT wanted to resolve the drainage issue and, if the culvert pipe was damaged by Virginia Power, it would be responsible for repairing the damages. He cited appreciation to the citizens in that area for picking up trash.

Mr. Shepperd mentioned that several neighbors in the area grew tired of trash along side the road and began picking it up themselves. He suggested the Adopt-A-Highway program and stated he would further discuss the program with Mr. Steele.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Burgett congratulated the following employees for their years of service with the County, and presented them each with service pins and certificates:

Ronald G. Montgomery	Sheriff's Office	30 years
Thomas H. Ashe	General Services	25 years
James C. Laney	Environmental Services	20 years

EFFICIENCIES REPORT AND 2004 ACCOMPLISHMENTS:

Mr. McReynolds presented the 2004 Operational Efficiency Report to the Board and elaborated on the findings of that report. He highlighted a grand total savings to the County of \$7.1 million, and he cited examples of how those savings occurred.

CITIZENS COMMENT PERIOD

No one appeared to speak to the Board at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated he continued to monitor the proposed legislation before the General Assembly and will keep the Board updated on its action. He elaborated on House Bill 1821 concerning condemnation and the expense that local governments may incur over the process. He mentioned another bill that had to do with police officers overtime and leave time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds indicated staff was in the middle of 2006 budget process. He reminded the Board of the following meetings: Regular Meeting on March 1st; work session on March 8th to discuss the FY06 budget; and the Board's Annual Retreat scheduled March 12th to be held at the Marriott Courtyard in Kiln Creek. A regular meeting will be held on March 15th, with a Budget Public Hearing to be held on March 22nd, and a work session on March 29th.

Mr. Zaremba referred to an article in Citizen News concerning the opening of Riverwalk Landing. Because the opening is set to take place Memorial weekend, he stated he was concerned with the lack of spaces rented and questioned the County's marketing efforts. He discussed the lodging tax applicability for the timeshare industry, and asked if that tax is being collected from the timeshares.

Mr. McReynolds pointed out that all but two spaces had been leased at the waterfront and identified those locations. He stated the Commissioner of Revenue was collecting applicable taxes from the timeshares.

Mr. Zaremba asked for a report from Ann Thomas, Commissioner of the Revenue, on the timeshares.

Chairman Burgett asked about the February 7 memorandum from the County Administrator dealing with the Zoning Ordinance and housekeeping issues, and asked if it would be addressed on March 1st.

Mr. McReynolds stated staff hopes to add a sponsorship resolution to the Consent Calendar for the first of March, and explained the action would be to ask the Planning Commission to take a look at those specific areas included in the memorandum, and forward its recommendation to the Board.

Chairman Burgett suggested it be sent down with some of the Board's thoughts to give the Planning Commission some guidance.

Mr. Zaremba suggested it might be perceived that the Board is taking away the Commission's independence if it provides guidance.

Mrs. Noll suggested the Commission members would feel constrained to view the package through the Board's eyes and agreed that they look at it independently.

Discussion ensued concerning the guidance given to the Planning Commission.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll congratulated Mr. Sherman Hill and the Historical Committee on its presentation of Black History month and stated they did a wonderful job. She announced there was a vacancy on the Stormwater Advisory Committee, and she encouraged citizens from the Coventry and Foxwood neighborhoods to apply.

Chairman Burgett stated he attended both the Peninsula Mayors and Chairs and the Hampton Roads Mayors and Chairs meetings. He reported that one of the speakers at those meetings was from Forward Hampton Roads, a committee formed to create a regional type of government and establish some type of taxing authority. He noted he had attended the Peninsula Alliance for Economic Development (PAED) meeting on the merger of the two economic development entities. He stated he also attended Black History Month and mentioned the wonderful job Mr. Sherman Hill did in coordinating the event. Mr. Burgett indicated he also attended the opening ceremonies of the Farm Fresh on Merrimac Trail, and spoke at the men's breakfast at the Yorkminster Presbyterian Church. He then asked the other Board members if they had anything to be added to the agenda for discussion at the Board's retreat.

CONSENT CALENDAR

Mrs. Noll moved the Consent Calendar be approved as submitted, Item Nos. 4, 5, 6, 7 and 8.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Shepperd, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 4. APPROVAL OF MINUTES.

The minutes of the following meetings of the York County Board of Supervisors were approved:

January 19, 2005, Regular Meeting
February 1, 2005, Regular Meeting

Item No. 5. REFUND OF TAXES: Resolution R05-23.

A RESOLUTION TO AUTHORIZE A TAX REFUND TO WILLIAM V. NUNN, JR. AND NANCY E. NUNN

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, William V. Nunn, Jr., and Nancy E. Nunn have made a proper request for a tax refund for real property taxes erroneously paid on a portion of their property which is currently used for agricultural purposes, but which had been incorrectly assessed at fair market value; and

WHEREAS, the Request for Tax Refund has been approved and recommended by the Commissioner of the Revenue, the Treasurer, and the County Attorney.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of February, 2005, that the Treasurer is authorized to refund to William V. Nunn, Jr. and Nancy E. Nunn real property taxes in the amount of \$2,191.50, plus interest in the amount of \$313.83, for a total refund of \$2,505.33.

Item No. 6. BOARD POLICIES: Resolution R05-25.

A RESOLUTION TO ADOPT CERTAIN AMENDMENTS TO BOARD
POLICY NUMBERS BP94-06, BP94-08, BP94-14, BP96-15, BP00-
17, AND BP00-18, AND TO ADOPT NEW POLICY NO. BP04-21

WHEREAS, the York County Board of Supervisors adopted the Board Policies Manual on October 20, 1994; and

WHEREAS, in accordance with Board Policy Number BP94-01, the County Administrator has conducted an annual review of the adopted Policies and has submitted recommendations for amendments; and

WHEREAS, the Board carefully considered the recommendations set forth in the County Administrator's report to the Board dated July 30, 2004, and discussed those proposals at a work session on August 10, 2004; and

WHEREAS, the Board determined that the amendments are appropriate, subject to certain revisions as described in the County Administrator's report to the Board dated December 7, 2004;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of February, 2005, that Board Policy Numbers BP94-06, BP94-08, BP94-14, BP96-15, BP00-17, BP00-18 and BP04-21 be, and they hereby are, amended and adopted to read as set forth in the attachments to County Administrator's memorandum to the Board of Supervisors dated December 7, 2004.

Item No. 7. APPLICATION NO. SE-15-04: Resolution R05-26.

A RESOLUTION TO APPROVE APPLICATION NO. SE-15-04 TO
AUTHORIZE THE REPLACEMENT OF TREES REMOVED FROM A
REQUIRED GREENBELT BUFFER ALONG VICTORY BOULE-
VARD (ROUTE 171) ON A 0.93-ACRE PARCEL OF LAND LO-
CATED AT 600 HAMPTON HIGHWAY (ROUTE 134)

WHEREAS, Southern Maryland Oil, Inc. removed trees from a greenbelt buffer along Victory Boulevard (Route 171) on a 0.93-acre parcel of land located at 600 Hampton Highway (Route 134), occupied by a Shell gas station located in the southwest quadrant of the intersection of Hampton Highway and Victory Boulevard and further identified as Assessor's Parcel 37-59A.; and

WHEREAS, Southern Maryland Oil, Inc. has submitted Application No. SE-15-04, pursuant to Section 24.1-245(c) of the York County Zoning Ordinance, proposing a plan to replant the buffer; and

WHEREAS, said application has been referred to the York County Board of Supervisors in accordance with applicable procedure; and

WHEREAS, the Board has conducted a duly advertised public hearing on this application and has given careful consideration to the public comments;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of February, 2005, that Application No. SE-15-04 be, and it is hereby, approved to accept the applicant's proposal for replacement landscaping within the greenbelt, as depicted on the landscape plan prepared by 1 of a Kind Landscapes and Home Remodeling, Inc., and received by the County Administrator's office on February 2, 2005.

Item No. 8. REVENUE SHARING PROJECTS: Resolution R05-30 and Resolution R05-31.

Resolution R05-30:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO TRANSFER PREVIOUSLY APPROVED
REVENUE SHARING PROGRAM FUNDS

WHEREAS, in Fiscal Year 2003-04 the County of York elected to participate in the Virginia Department of Transportation Revenue Sharing Program for Project No. 0143-099-RS, FY04 (UPC 68300) for a total of \$65,000 County match and \$65,000 State match, and Project No. 0060-099-RS, FY04 (UPC 68301) for a total of \$65,000 County match and \$65,000 State match; and

WHEREAS, the County priorities have changed and the York County Board of Supervisors would like to move these funds to an existing Secondary System Revenue Sharing Program project as follows:

- From: 0143-099-RS, FY04 (UPC 68300); To: 0621-099-175,C502 (UPC 52342) - \$64,500 County share and \$64,500 VDOT share
- From: 0060-099-RS, FY04 (UPC 68301); To: 0621-099-175,C502 (UPC 52342) - \$32,500 County share and \$32,500 VDOT share

NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors, this the 15th day of February, 2005, that it does hereby request the Virginia Department of Transportation and Commonwealth Transportation Board to approve the transfer of Revenue Sharing Program funds in the total amount of \$97,000 County share and \$97,000 VDOT share as listed and described above.

Resolution R05-31:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO TRANSFER PREVIOUSLY APPROVED
REVENUE SHARING PROGRAM FUNDS

WHEREAS, in Fiscal Year 2004-05 the County of York elected to participate in the Virginia Department of Transportation Revenue Sharing Program for Project No. 0017-099-129,C501 (UPC 60843) for a total of \$150,000 County match and \$150,000 State match; and

WHEREAS, Project No. 0017-099-129,C501 (UPC 60843) has excess funds; and

WHEREAS, the York County Board of Supervisors would like to move these funds to an existing Secondary System Revenue Sharing Program project as follows:

- From: 0017-099-129,C501 (UPC 60843); To: 0621-099-172,C502 (UPC 52342)
- \$44,000 County share and \$44,000 VDOT share

NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors, this the 15th day of February, 2005, that it does hereby request the Virginia Department of Transportation and Commonwealth Transportation Board to approve the transfer of Revenue Sharing Program funds in the total amount of \$44,000 County share and \$44,000 VDOT share as listed and described above.

BUDGET FORUM

PROPOSED FISCAL YEAR 2006 BUDGET

Chairman Burgett called the Public Forum that was duly advertised as required by law on the proposed FY2006 budget to order.

The Honorable Merlin Renne, representing the Colonial Community Criminal Justice Board, and Ms. Greene, Colonial Community Corrections, appeared to thank the Board for its continued funding. Judge Renne recognized some of the critical issues the Justice Board faced, but stated they are seeing some progress from the Governor that might help in terms of mental health issues. Ms. Greene explained that she has expanded her operations in York County, and that her local program is vital to the work of the General District Court. She advised that she has exhausted all means at her disposal to fund the agency adequately through the state, user fees, and private donations. Judge Renne and Ms. Green asked the Board for its continued support.

Ms. Corrine Garland, Child Development Resources (CDR), thanked the Board for its continued support and investment in the community. She cited the importance of learning during the very early stages of a child's life, specifically the first three years. She stated that this year CDR was not asking for an increase in the budget, and she noted that only 14 percent of funding is received from the state and local levels.

Ms. Madie Haskell, Child Development Resources First Step, shared a letter from a mother that had been the recipient of the program. The mother described the remarkable progress her child had made while in the program and declared it was the best help available to a mother whose child was diagnosed with failure to thrive as an infant. Ms. Haskell asked the Board to continue its funding.

Ms. Lisa Thomas, Child Development Resources Children's Services, stated appreciation for the Board's long-standing commitment to the First Steps Child Care and Development Program. She described some of its available resources, which help answer families' questions, conduct home visits, promote infant and toddler development, and periodic mail-ins of parent-administered checklists to monitor a child's development. She reported that 23 percent of calls received to the 566-TOTS line were from York County residents. Ms. Thomas asked for the Board's support to help fund its FY06 budget.

Mr. Jon Andre, Big Brothers/Big Sisters of Greater Williamsburg, explained how some of its programs operated and benefited children. He mentioned the many positive results this organization offered, and he described the programs for at-risk children. He stated that those children who have mentors assigned to them stay in school longer, are more successful, in trouble less, and are less involved with alcohol, drugs, and crimes. He asked the Board to give financial consideration to the Big Brothers/Big Sisters of Williamsburg.

Mr. John Moorman, Williamsburg Regional Library, expressed appreciation on behalf of the library for the long-term relationship between York County and Williamsburg. He advised the Board that there are over 6,500 residents in York County who have library cards with the Williamsburg Regional Library. He described some of the library services, which included bookmobiles in six areas of the County. He stated the library is actively working to provide

services to the County citizens, and he requested funding from the County to continue these services.

Ms. Barbara Seibert and Ms. Carmen Blair, Avalon, appeared to explain the services of Avalon, which is one of two programs in the County that provide services to citizens of domestic violence, sexual assault, and homelessness. Ms. Seibert stated a major source of funding was the Department of Housing and Urban Development Grant that funded the transitional childcare services. She advised that this grant is no longer available to them. Ms. Blair, a former resident of Avalon housing, listed the many ways she had benefited from Avalon's help. Both Ms. Seibert and Ms. Blair asked the Board to continue funding Avalon.

Ms. Susan Clemens and Mr. Tom Davidson, Peninsula READS, reported that because of the Board's past help, 163 York County residents had learned to read. He discussed the budget and cuts faced by the program and mentioned that volunteer tutors gave up their time to teach others how to read. Ms. Clemens stated the program currently has 28 York County residents listed on its roster, with statistics indicating there are probably over 4,000 people in the County that could benefit from this program.

Ms. Bonnie Karwac, York County Historical Museum, spoke about the museum and its function to expand the story of the County's history to cover centuries of history. She cited some examples of the County's history, and pointed out that much of the museum's work is performed by volunteers. She explained the museum has a need for materials, and she asked the Board for its support to save the County's history.

Ms. Winifred Bragg, York County Senior Center, described the Senior Center as being a successful three-way partnership between the County, the Peninsula Agency on Aging, and the citizens of York County. She announced they had received 156,000 visitors to the Center since its opening in 1991. She mentioned that the Center was bursting at the seams, and she thanked the Board and staff for their efforts to support the Center and promote its goals.

Mr. Tim Salavejus, Youth Challenge, appeared to ask for assistance and consideration, and described the functions of Youth Challenge. He explained that it serves as a regional jail for both Williamsburg and York County court systems. He cited an example of the assistance Youth Challenge had provided to eight students from this area that had been given up on by their families, the court system, and others. He stated it attempts to try and rehabilitate children that are non-violent. Mr. Salavejus reported that currently there is no state and local funding for the program, and he asked the Board for assistance.

Mr. James C. McReynolds, Meals on Wheels, reported the positive impact that the Board's funding had on the senior citizens of the County. He explained the organization is a volunteer-based, non-profit association that delivers hot, nutritious meals to citizens. The program is designed to ensure that any York County resident will receive one hot meal per day. He stated no one is refused service because they cannot pay, and recipients are encouraged to contribute to the cost of the meal or make affordable donations. He reported that the funding received by the County last year helped to subsidize nearly 5,000 meals to over 280 recipients. Mr. McReynolds thanked the Board and encouraged its continued support.

Ms. Ellen Thacker, Virginia Living Museum, appeared to request that the Virginia Living Museum be included in the County's 2006 budgeting decisions. She stressed the need for the communities to share responsibilities of support for educational and cultural entities such as the museum. She thanked the Board for its consideration and continued support for the Virginia Living Museum.

Mr. Danny Carroll and Mr. Rob Brown, YMCA, appeared to update the Board on the YMCA's progress, and stated they had been asked to develop a plan for a YMCA in the upper County. He reported that a new facility would be constructed on the campus of the new Sentara Hospital on Mooretown Road. He stated the County was to be formally requested to consider an investment of \$1 million to build a new family facility and indicated the investment would be payable over a 20 period.

Mr. John McCrimmon, Retired and Senior Volunteer Program, (RSVP) thanked the County for its past contributions to support community volunteers. He described the program's services, which is not an area of providing, but one that recruits volunteers. He stated there are over 150 organizations that request volunteers, and he encouraged the Board to continue its support.

Mr. Bill Massey, Peninsula Agency on Aging, thanked the Board for its past support and encouraged continued support for the senior population of the County. He explained some of the agency's functions, one of which is to partner with the County on its Meals on Wheels program. He stated the Agency serves over 60 percent of the population, as well as provide the dining program at the Senior Center. He commended the staff of Community Services and stated they were delightful to work with.

Ms. Marcy Wright, Transitions Family Violence Services, stated this agency was formerly the Virginia Peninsula Council on Domestic Violence. She explained that it monitors a 24-hour hotline and emergency short-term/transitional shelter for hundreds of York County clients. She discussed the programs of the organization, including crisis services and supportive services, volunteer services and donations, self-sufficiency services, and children's services. She stated the program takes care of the family units and not just the adult victim of abuse, and it realizes that counseling and outreach services are essential to building healthy families. Ms. Wright asked for the Board's continued support in an effort to help build safe and healthy families in the County.

Mr. Dan Seabolt, York County Historical Committee, thanked the Board for its continued support. He reported the committee's volunteers worked approximately 4,000 hours in 2004. He described the many collaborations of the committee and spoke of the upcoming events throughout the year. He asked the Board for its continued assistance in the 2006 budget.

Mr. Walt Akers, Yorktown Fifes and Drums, supplied the Board with a report that would help detail the Corps' recent accomplishments to reach its goal for a new building. He stated the Corps had received approval for its building design plan from the National Park Service and the State Historic Preservation Office. He reported the Corps had raised approximately \$170,000 for the building fund. He then listed some of the many performances by the Corps, and he asked the Board for its continued support to its effort to represent the County.

Dr. Ned Logan, Jamestown 2007 Stamp & Cachet Project, elaborated on plans for the 400th Anniversary of the founding of Jamestown in 2007. He proposed the issuance of commemorative stamps to help Jamestown obtain extensive recognition, both national and international. He explained the project involved the issuance of one or more postage stamps by the United States Postal Service, and the hopeful issuance of one or more postage stamps by the United Kingdom. He stated the Virginia Department of Education would incorporate the aspects of the 400th Anniversary into its educational programs and conduct a statewide art contest open to 1.3 million school age children. Dr. Logan reported the Project has a budget of \$125,000 with more than \$75,000 having already being raised. He requested that the County become a silver-level donor at \$5,000.

There being no one else present who wished to speak concerning the proposed FY2006 budget, Chairman Burgett declared the budget forum closed.

PUBLIC HEARINGS

APPLICATION NO. UP-654-05, APPLE DOOR SYSTEMS

Mr. Carter gave a presentation on proposed Application No. UP-654-05 to approve a use permit authorizing a contractor's shop with outdoor storage on property located at 1625 Merrimac Trail. He stated that the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-20.

Mr. Shepperd shared his concern with the proposed fence that would separate the contractor's shop and the homes behind it. He stated he felt the neighbors could still see the contractor's yard through the fence.

Mr. Robert Heath, the applicant, explained there was a dip in an area of the fence, and he stated the only items to be stored outside would be overflow inventory consisting of new garage doors.

Mr. Carter pointed out there was a height limitation for anything stored in the backyard.

Mr. Zaremba asked if the residents would have a better view with what the applicant was proposing compared to what was currently there.

Mr. Heath described some of the products that he will provide, and noted that they are not weather tolerant and could not be left outside for long periods of time.

Chairman Burgett then called to order a public hearing on Application UP-654-05 that was duly advertised as required by law. Proposed Resolution R05-20 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE AN OUTDOOR STORAGE YARD ASSOCIATED WITH A CONTRACTOR'S SHOP AT 1625 MERRIMAC TRAIL

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Shepperd stated his concern was that this particular type of project did not apply to just one district, but to all districts in the area. He noted that the Board was sensitive to storage materials on the outside that may affect the community. He added that if this were in his district, a different type screen would be discussed.

Mr. Zaremba then moved the adoption of proposed Resolution R05-20 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE AN OUTDOOR STORAGE YARD ASSOCIATED WITH A CONTRACTOR'S SHOP AT 1625 MERRIMAC TRAIL

WHEREAS, Apple Door Systems has submitted Application No. UP-654-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 15, No. 4b) of the York County Zoning Ordinance to authorize a 1,500 square foot outdoor storage yard associated with a contractor's shop on a 0.69-acre parcel of land located at 1625 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 15-10-3, (GPIN # G12B-4798-3876); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of February, 2005, the Application No. UP-654-05 be, and it is hereby, approved to authorize 1,500 square feet of outdoor storage yard associated with a contractor's shop on a 0.69-acre parcel of land located at 1625 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 15-10-3 (GPIN # G12B-4798-3876), subject to the following conditions:

1. This use permit shall authorize approximately 1,500 square feet of outdoor storage yard associated with a contractor's shop on a 0.69-acre parcel of land located at 1625 Merri-mac Trail (Route 143) and further identified as Assessor's Parcel No. 15-10-3 (GPIN # G12B-4798-3876).
2. The outside storage area shall be located within the rear yard of the parcel and screened with six-foot high opaque fence constructed of materials as approved by the Zoning Administrator. Until such time as the adjacent mini-storage warehouse building is removed, no additional fencing or landscaping shall be required along the northern and eastern property lines. At such time as the building is demolished, a six-foot high opaque fence with additional landscape plant screening pursuant to Section 24.1-486 shall be installed with a planting spacing of no more than 10 (ten) feet on center.
3. Off-street parking shall be provided in accordance with the Zoning Ordinance, *Article VI. Off-Street Parking and Loading*. All parking spaces in the rear shall be defined to separate the spaces from the outdoor storage area.
4. The rolling gate shall remain closed at all times except when employee or delivery vehicle traffic would prevent closure.
5. Existing trees and shrubs on the property shall be maintained to the maximum extent possible. Existing landscaping at the front building perimeter and fencing shall not be removed except with permission from the Zoning Administrator and only if replaced with landscaped plantings approved by the Zoning Administrator.
6. Existing plantings within the front yard area shall be supplemented with a mix of ever-green and deciduous shrubs meeting the requirements of Zoning Ordinance Section 24.1-242 (h).
7. Contractor's equipment and materials (excluding vehicles) kept within the storage area shall not exceed the height of the surrounding fencing.
8. In accordance with the Building Officials Code of America; National Fire Prevention Code, contractor's materials stored outside shall not be stored closer than 15 feet from any lot line or building on the property.
9. Materials stored outside on the property shall be limited to those associated with a garage and custom door sales and installation contractor's business, and shall not include junk, solid waste, construction debris or hazardous waste as defined in Chapter 19, Section 19.1 and/or Chapter 24, Section 24.1-104 of the County Code. In addition, the storage yard shall comply with the performance standards under Section 24.1-486.
10. Vehicles stored on the property shall be limited to light-duty cars, trucks and vans associated with the garage and custom door sales and installation contractor's business, and shall not include heavy construction equipment or vehicles.
11. All site lighting shall be designed with full cutoff fixtures and directed downward to prevent off-site glare on to abutting properties and the road right-of-way. Illumination levels shall not exceed 0.5 foot-candle at any property line. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). Freestanding lighting fixtures shall be fitted with high-pressure sodium lamps.
12. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (4) Noll, Shepperd, Zaremba, Burgett
 Nay: (0)

APPLICATION NO. UP-655-05, FF ACQUISITION, LLC

Mr. Carter gave a presentation on Application No. UP-655-05 to approve a use permit authorizing the establishment of a four-pump automobile fuel dispensing facility as part of an existing shopping center on property located at 455A Merrimac Trail. He stated the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-21.

Mr. R. J. Nutter, 1405 Blue Heron Road, Virginia Beach, VA, attorney for the applicant, gave an overview of the Farm Fresh renovation and expansion of the store to include gas facilities. He stated Farm Fresh had been very successful, and he offered an explanation of how a percentage of the purchase price would go toward the purchase of gasoline.

Mr. Zaremba asked for a comparison of Farm Fresh's gas prices to those in the area.

Mr. Nutter explained they would be comparable to Miller Mart's prices.

Mr. Zaremba stated his initial reaction was not positive, but he now felt this development would be a major factor in bringing down the gas prices in the upper County.

Chairman Burgett called to order a public hearing on Application UP-655-06 that was duly advertised as required by law. Proposed Resolution R05-21 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A FOUR-PUMP AUTOMOBILE FUEL DISPENSING FACILITY AS PART OF THE FARM FRESH SHOPPING CENTER LOCATED AT 455A MERRIMAC TRAIL (ROUTE 143)

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Shepperd then moved the adoption of proposed Resolution R05-21 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A FOUR-PUMP AUTOMOBILE FUEL DISPENSING FACILITY AS PART OF THE FARM FRESH SHOPPING CENTER LOCATED AT 455A MERRIMAC TRAIL (ROUTE 143)

WHEREAS, FF Acquisition, L.L.C., has submitted Application No. UP-655-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2 (GPIN# F14b-2805-3373); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of February, 2005, that Application No. UP-655-05 be, and it is hereby, approved to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2 (GPIN# F14b-2805-3373) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2 (GPIN# F14b-2805-3373).
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction activities on the site. Said site plan shall be in substantial conformance with the conceptual plan titled "Conceptual Site Layout & Landscape Plan of Farm Fresh #321 Gas Pumps," prepared by MSA, P.C., dated December 1, 2004 supplemented by the building renderings submitted by the applicant, copies of which shall remain on file in the Planning Division.
3. Construction and operation of the automobile fuel dispensing facility shall be in compliance with the performance standards set forth in Sections 24.1-475, *Standards for all motor vehicle and transportation related uses*, and 24.1-477, *Standards for auto fuel dispensing establishments, service station and auto repair garages*, of the Zoning Ordinance.
4. No construction activity or parking lot modifications that would reduce the number of parking spaces below the minimum number required for the shopping center, as set forth in Section 24.1-606 of the Zoning Ordinance, shall be permitted.
5. An employee shall be present on-site at all times while the gas pump facility is in operation and open for business.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (4) Shepperd, Zaremba, Noll, Burgett
Nay: (0)

FOXWOOD DRAINAGE PROJECT

Mr. Barnett gave a presentation on proposed Resolution R05-22 to declare the Board's intent to enter and take necessary easements across property at 100 Firby Road and 112 Firby Road in connection with the Foxwood drainage project.

Chairman Burgett called to order a public hearing on proposed Resolution R05-22 that was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE CERTAIN TEMPORARY CONSTRUCTION EASEMENTS
IN CONNECTION WITH THE FOXWOOD DRAINAGE PROJECT

Mr. John Stokes, 1327 Patrick Street, Hampton, owner of the property, appeared to speak in opposition to the proposed action and express his concern regarding notification of this action.

Mr. Barnett explained that his letter was not the first correspondence that had been attempted in this matter. He then directed Mr. Stokes to Mike August in the Department of Environmental and Development Services. He recommended the public hearing move forward, and suggested that negotiations with the landowner would continue.

Chairman Burgett explained the public hearing would be completed, and he directed staff to contact Mr. Stokes to further discuss the matter.

There being no one else present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R05-22 that reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE CERTAIN TEMPORARY CONSTRUCTION EASEMENTS
IN CONNECTION WITH THE FOXWOOD DRAINAGE PROJECT

WHEREAS, it is necessary to obtain certain easements in connection with the Foxwood drainage project; and

WHEREAS, for various reasons, the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by Mitchell-Wilson Associates, P.C. and appraisals of such interests have been prepared; and

WHEREAS, § 15.2-1905 (C), Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing pipelines, meter boxes, pumps, or any other appurtenances to a sewerage disposal and water system;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of February, 2005, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Foxwood drainage project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County for each are the following, which interests are more particularly described on the plat attached to the Report of the County Attorney dated January 26, 2005, and incorporated herein by this reference:

Tax Map Parcel 29-159A

A temporary construction easement as shown on a plat entitled "Plat of Easement Conveyance from John Stokes to County of York, Virginia, TM# 29-159A, Located: Bethel Magisterial District, York County, Virginia," dated June 29, 2004, and revised September 14, 2004, prepared by Mitchell-Wilson Associates, P.C. and designated as a "Temporary Construction Easement, Area = 917.61 S.F. or 0.02 AC." Value offered to owner: \$57.00.

Tax Map Parcel 29-159

A temporary construction easement as shown on a plat entitled "Plat of Easement Conveyance from Michelle D. Lacey to County of York, Virginia, TM# 29-159, Located: Bethel Magisterial District, York County, Virginia," dated June 29, 2004, and revised September 14, 2004, prepared by Mitchell-Wilson Associates, P.C. and designated as a "Temporary Construction Easement, Area = 256.83 S.F. or 0.01 AC." Value offered to owner: \$50.00.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of February, 2005, that the Chairman of the Board of Supervisors, the County Treasurer and the County Attorney are hereby authorized and directed, for and on behalf of the County, to execute a certificate to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amount set forth above as the fair value, and damages if any, of the interests to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the Board of Supervisors to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Shepperd, Burgett
Nay: (0)

NEW BUSINESSMANAGEMENT SERVICES FOR RIVERWALK LANDING PIERS

Mrs. Anne Smith, Director of Community Services, gave a presentation on proposed Resolution R05-18 to authorize the execution of a contract with Coastal Properties Management, Inc., for management services for the Riverwalk Landing Piers.

Mr. Shepperd asked about the scheduled work time and experience required for the dockmaster.

Discussion ensued concerning the dockmaster's schedule, salary, employee expectations, fees and start up costs.

Mr. Mitch Nathanson, Coastal Properties Management, provided an overview of the proposed agreement and explained they are projecting payroll costs, including benefits, for just under \$103,000. He described the pier operations and responsibilities of the management.

Ms. Cheryl Sonderman, Parks and Recreation Manager, further explained the proposed docking fees and what the fees included.

Mr. Zaremba shared his concern about bringing tourists to the area, and he stated the piers should not be in competition with other area marinas.

Mr. Zaremba then moved the adoption of proposed Resolution R05-18 that reads:

A RESOLUTION TO APPROVE A CONTRACT FOR MANAGEMENT
SERVICES FOR THE RIVERWALK LANDING PIERS WITH
COASTAL PROPERTIES MANAGEMENT, INC.

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, a Request For Proposals was issued, all appropriate and proper procurement measures were taken, and all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of February, 2005, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for a contract with Coastal Properties Management, Inc., to manage the Riverwalk Landing Piers, such agreement to conform to the description thereof set forth in the memorandum of the County Administrator dated January 31, 2005.

On roll call the vote was:

Yea: (4) Noll, Shepperd, Zaremba, Burgett
Nay: (0)

SKIMINO HILLS SANITARY SEWER PROJECT

Mr. McReynolds gave a brief presentation on proposed Resolution R05-12 to appropriate funds and approve procurement of the services of M&W Construction Corporation and Mid Eastern Builders for the construction of the Skimino Hills sanitary sewer pump and lift stations. He explained that the bid initially came in higher than expected, so staff went back out for bids again only to receive bids by the same two firms. He stated the Department of Environmental and Development Services had evaluated those bids and market conditions, and believes that going back out again would not result in any better prices. He stated that staff recommended adoption of proposed Resolution R05-12 to approve the construction of the pump stations.

Mr. Zaremba questioned the original estimate.

Mr. McReynolds detailed some of the costs and explained that the market had changed with the rising costs. He stated that one of the proposed stations was more involved than the other, with significant differences in both. He explained reasons why the project was not getting the competition.

Mr. Shepperd stated he found it was odd that only two bids from the East Coast were received, and asked if something was restricting the project from receiving more.

Mr. John Hudgins, Director of Environmental and Development Services, explained that the market was saturated and that contractors are very busy.

Discussion ensued concerning the bidding process on the project.

Mrs. Noll then moved the adoption of proposed Resolution R05-12 that reads:

A RESOLUTION TO APPROPRIATE \$1,200,000 FROM FUND 74-
WATER AND SEWER EXTENSION FUND AND APPROVE THE
PROCUREMENT OF THE SERVICES OF M&W CONSTRUCTION
CORPORATION AND MID EASTERN BUILDERS, INCORPORATED
FOR THE CONSTRUCTION OF THE SKIMINO HILLS SANITARY
SEWER PUMP AND LIFT STATIONS

WHEREAS, it is the policy of the Board of Supervisors that all procurement of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

February 15, 2005

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, it involves the expenditure of \$30,000 or more, and that the applicable laws, ordinances, and regulations have been complied with; and

WHEREAS, to fully fund the Skimino Hills Sanitary Sewer Project an additional appropriation of \$1,200,000 from Fund 74-Water and Sewer Extension Fund, is required by the Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of February, 2005, that additional funding totaling \$1,200,000 be, and is hereby, appropriated in Fund 74-Water and Sewer Extension Fund for the Skimino Sewer Project.

BE IT FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to conclude the procurement arrangements for the following:

	<u>AMOUNT</u>
M&W Construction Corporation	\$1,205,515
Mid Eastern Builders, Inc.	\$ 722,920

On roll call the vote was:

Yea: (4) Shepperd, Zaremba, Noll, Burgett
Nay: (0)

CLOSED MEETING. At 9:38 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Zaremba, Shepperd, Noll, Burgett
Nay: (0)

Meeting Reconvened. At 9:38 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of February, 2005, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Zaremba, Burgett
Nay: (0)

APPOINTMENT TO THE PENINSULA DISABILITY SERVICES BOARD

Mrs. Noll moved the adoption of proposed Resolution R05-24 that reads:

A RESOLUTION TO REAPPOINT A YORK COUNTY GOVERNMENTAL REPRESENTATIVE TO THE PENINSULA DISABILITY SERVICES BOARD

BE IT RESOLVED by the York County Board of Supervisors this 15th day of February, 2005, that Jane B. Dickson be, and she is hereby, reappointed to the Peninsula Disability Services Board for a term of three years, such term to begin on April 1, 2005, and end March 31, 2008.

On roll call the vote was:

Yea: (4) Noll, Shepperd, Zaremba, Burgett
Nay: (0)

APPOINTMENT TO THE YORK COUNTY PLANNING COMMISSION

Mrs. Noll moved the adoption of proposed Resolution R05-27 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY PLANNING COMMISSION

WHEREAS, Mr. Fred Harvell, an at-large appointee to the Planning Commission, has resigned his position, as of January, 2005; and

WHEREAS, the Board wishes to appoint a citizen to serve on the Planning Commission for the remainder of this unexpired term;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of February, 2005, that the following individual be, and hereby is, appointed to serve as an at-large appointee to the Planning Commission for the term as indicated below:

Anne C. H. Conner (remainder of an unexpired term ending 6/30/07)

On roll call the vote was:

Yea: (4) Shepperd, Zaremba, Noll, Burgett
Nay: (0)

APPOINTMENT TO THE REGIONAL ISSUES COMMITTEE

Chairman Burgett moved the adoption of proposed Resolution R05-28 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE REGIONAL ISSUES COMMITTEE

WHEREAS, the Board wishes to appoint a citizen representative to serve on the Regional Issues Committee;

February 15, 2005

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of February, 2005, that the following individual be, and he is hereby, appointed to serve the term as indicated below on the Regional Issues Committee.

Mr. Joseph R. Ambrose, Jr. (term beginning immediately and ending on 12/31/06)

On roll call the vote was:

Yea: (4) Zaremba, Noll, Shepperd, Burgett
Nay: (0)

APPOINTMENT TO THE BOARD OF EQUALIZATION

Mr. Shepperd moved the adoption of proposed Resolution R05-17 that reads:

A RESOLUTION REQUESTING THE JUDGE OF THE CIRCUIT
COURT TO REAPPOINT A MEMBER TO THE YORK COUNTY
BOARD OF EQUALIZATION

WHEREAS, the term of Donald J. Keenan as a member of the York County Board of Equalization will expire on March 31, 2005, and he is eligible and willing for reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of February, 2005, that the Judge of the Circuit Court be, and he is hereby, requested to reappoint Donald J. Keenan to the York County Board of Equalization of Real Estate Assessments as provided by Section 58.1-3373 of the Code of Virginia for a term of three years, such term to commence April 1, 2005, and expire March 31, 2008.

On roll call the vote was:

Yea: (4) Noll, Shepperd, Zaremba, Burgett
Nay: (0)

RIVERWALK LANDING LEASE UPDATE

Mr. McReynolds provided the Board with an update on the executed leases for the Riverwalk Landing.

Discussion took place concerning the opening and leases for the Riverwalk Landing.

Meeting Adjourned. At 10:42 p.m. Chairman Burgett declared the meeting adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors